

WESTERN PACIFIC HIGH COMMISSION.

No. 11 of 1922



[L.S.]

C. H. RODWELL,

High Commissioner.

15th June, 1922.

KING'S REGULATION

TO PROVIDE FOR THE REGISTRATION OF BILLS OF SALE IN THE BRITISH SOLOMON ISLANDS PROTECTORATE.

Made by His Britannic Majesty's High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1. This Regulation may be cited for all purposes as the Solomons Bills of Sale (Amendment) Regulation 1922. SHORT TITLE.

2. The Bills of Sale Registration (Amendment) Regulation 1915 is hereby repealed so far as it affects the British Solomon Islands Protectorate. PARTIAL REPEAL OF KING'S REGULATION NO. 12 OF 1915.

3. Section six of the Bills of Sale Regulation 1897 is hereby repealed and the following section substituted therefor:— REPEAL OF SECTION 6 OF KING'S REGULATION NO. 6 OF 1897.

“ 6.—(1) Every Bill of Sale executed after the commencement of this Regulation shall be executed in the presence of and attested by at least one witness, and shall be registered in the manner hereinafter provided, and shall truly set forth the consideration for which it was granted.

“ (2) Every Bill of Sale executed after the commencement of this Regulation shall so far as regards any personal chattels to be affected thereby be void unless and until it be registered under this Regulation.”

REPEAL OF
SECTION 8 OF
KING'S REGULA-
TION NO. 6 OF
1897.

4. Section eight of the Bills of Sale Regulation 1897 is hereby repealed, and the following section substituted therefor:—

“ 8.—(1) Every Bill of Sale executed after the commencement of this Regulation shall be executed in duplicate, and registration shall be effected by presenting the two copies to the Registrar of the Land Registry Office at Tulagi who shall file one of the duplicates in such a manner as to constitute part of an appropriate book, each duplicate so filed being deemed to constitute a page of the book wherein it is filed, and the other of the duplicates shall be delivered to the grantee who shall pay the expenses of registration.

“ (2) Subject as hereinafter provided no Bill of Sale executed after the commencement of this Regulation shall be registered unless it has been proved on oath by the grantor or one of the grantors, or by the grantee or one of the grantees, or by one of the subscribing witnesses to have been duly executed by the grantor. The oath shall be in the Form A or B in the First Schedule hereto (as the case may be) or to the like effect.

“ (3) The proof required by this section shall be made as follows:—

“ (a) If such Bill of Sale be executed in the Protectorate: before the Registrar, or before a member of the Court, or an officer thereof having authority to administer an oath;

“ (b) if such Bill of Sale be executed in any part of His Majesty's Dominions or in any other Protectorate: before any Judge of any Court of Law, any Magistrate, Commissioner of Oaths, or Notary Public therein, or the person administering the Government thereof;

“ (c) if such Bill of Sale be executed in any foreign country not being a Protectorate of His Majesty: before any British Consul or other accredited British Representative resident in such country;

“ (d) a Bill of Sale not proved before the Registrar shall not be registered unless it shall have upon it a certificate as near as may be in the Form C in the said First Schedule hereto purporting to be under the hand and seal or private seal (if there should be no official seal), or the hand alone if the person shall have no official or private seal, of some one of the persons hereinbefore authorised to receive such proof to the effect that such Bill of Sale has been proved.

“ (4) The proof hereinbefore provided for shall not be required—

“ (a) In the case of a Bill of Sale executed in the Protectorate to which the Crown is a party as grantor or to the execution of which by the grantor or grantors the Resident Commissioner, the Registrar, a member or a barrister or solicitor of the Court, the Crown Surveyor, or a Registered Land Surveyor is a subscribing witness stating his official description; or

“ (b) in the case of a Bill of Sale executed out of the Protectorate to the execution of which by the grantor or grantors some one of the persons hereinbefore authorised to receive the proof thereof is a subscribing witness stating his official description.”

5. Sections eleven, twelve, and thirteen and Schedule B of the Bills of Sale Regulation 1897 are hereby repealed and the following sections substituted therefor:—

REPEAL OF SECTIONS 11, 12, 13 AND SCHEDULE B OF KING'S REGULATION NO. 6 OF 1897.

“ 11. The Registrar shall enter in the Presentation Book which is kept in the Land Registry Office in accordance with the provisions of section five of the principal Regulation as enacted by the Solomons Land Registration (Amendment) Regulation 1919, a short description of every Bill of Sale being in order to be registered which is presented for registration with the year, month, day, hour and minute of such presentation, and such year, month, day, hour and minute shall be taken to be the time of registration.

PRESENTATION BOOK.

“ 12. The Registrar shall as soon as practicable after the entry in the Presentation Book of any Bill of Sale place upon such instrument a certificate of registration in the Form D in the First Schedule hereto.

CERTIFICATE OF REGISTRATION.

“ 13. Registration of Bills of Sale shall be effected within the following periods:—

“ (a) In the case of a Bill of Sale executed at any place situate within fifteen miles of the office, the period of three weeks from its date;

“ (b) in the case of a Bill of Sale executed elsewhere in the Protectorate; the period of three months from its date;

“ (c) in the case of a Bill of Sale executed in any State or Territory of the Commonwealth of Australia the period of six months from its date;

“ (d) in the case of a Bill of Sale executed elsewhere out of the Protectorate, the period of twelve months from its date.

“ Provided that the Court may order registration at any time of a Bill of Sale on proof by affidavit that it has been presented for registration by the first available opportunity.”

6. Section fourteen of the Bills of Sale Regulation 1897 is hereby repealed and the following section substituted therefor:—

REPEAL OF SECTION 14 OF KING'S REGULATION NO. 6 OF 1897.

“ 14. The Registrar shall allow searches to be made at all reasonable times in any register book or file, and upon request and payment of the appointed fees shall give copies or extracts of or from any entry in any such book or register, and shall certify as correct all such copies or extracts. Every copy or extract or certificate of registry purporting to be signed by a Registrar shall be received in evidence without any further or other proof thereof, unless it shall be proved that the same is a forgery, in all legal proceedings of a civil nature instead of the production of the original register or record.”

SEARCHES.

7. Section eighteen of the Bills of Sale Regulation 1897 is hereby repealed and the following section substituted therefor:—

REPEAL OF SECTION 18 OF KING'S REGULATION NO. 6 OF 1897.

“ 18.—(1) In respect of any matter or thing mentioned in the Second Schedule hereto the fee therein specified shall be paid therefor.

FEES.

“ (2) The High Commissioner for the Western Pacific may for any reason which he may deem expedient reduce the amount of any fee payable under this Regulation or remit the same altogether, or if such fee shall have been paid into the Treasury he may order its refund.

“ (3) Every sum received under or by virtue of this Regulation shall be paid into the Treasury in aid of the General Revenue of the Protectorate by the person receiving the same.”

8. Section twenty of the Bills of Sale Regulation 1897 is hereby amended by the deletion therefrom of the words “ the Southern Solomons ” and the substitution therefor of the words “ the British Solomon Islands Protectorate.”

REPEAL OF SECTION 20 OF KING'S REGULATION NO. 6 OF 1897.

VALIDATION
OF FORMER
REGISTRATION.

9. Any registration effected in the office of the Resident Commissioner or the Land Registry Office before the coming into force of this Regulation shall be deemed to be a good and valid registration for all purposes.

COMMENCEMENT.

10. This Regulation shall come into operation on the first day of September one thousand nine hundred and twenty-two.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this fifteenth day of June one thousand nine hundred and twenty-two.

By Command,

ROGER GREENE,
Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

FIRST SCHEDULE.

FORM A.

Oath for Proof of a Bill of Sale.

I, *A.B.*, of _____, make oath and say that on the _____ day of _____ 19____, I duly executed the instrument now produced to me and marked A, and that I can read and write (or cannot read and write, and that the said instrument was read over and interpreted to me by _____ at the time of its execution, and that I understand its provisions).

Sworn at _____ this _____ }
day of _____ 19____ } *A.B.*
Before me, _____ }
C.D. (State official description.)

FORM B.

I, *C.D.*, of _____, make oath and say that on the _____ day of _____, I saw *A.B.*, of _____, duly execute the instrument now produced to me and marked A, and that the said *A.B.* can or could read and write (or cannot or could not read and write, and that the said instrument was read over and interpreted to him by _____ at the time of its execution, and that he appeared to understand its provisions).

Sworn at _____ this _____ }
day of _____ 19____ } *C.D.*
Before me, _____ }
E.F. (State official description.)

FORM C.

Certificate of Proof of Bill of Sale not before the Registrar.

THIS instrument was proved before me by the oath of the within named _____ to have been duly executed by the within named _____ on the _____ day of _____ 19____
Given under my hand and official seal.

A.B. (State official description.)

or,

Given under my hand and private seal, I having no official seal.

A.B. (State official description.)

or,

Given under my hand, I having no official or private seal.

A.B. (State official description.)

FORM D.

Certificate of Registration.

British Solomon Islands.

REGISTERED in the Land Registry Office the day of 19
 at o'clock noon in Register of Book No.
 Folio No.

A.B. Registrar.

SECOND SCHEDULE.

FEEs.

	s.	d.
For every Bill of Sale presented for registration ..	2	6
For proof before the Registrar of a Bill of Sale ..	2	0
For every search, for every half-hour or part thereof ..	2	6
For a certified copy of, or extract from, a recorded Bill of Sale, for every folio of seventy-two words or part thereof	2	0
For comparing, if required, an instrument with the register thereof, for every folio of seventy-two words or part thereof	1	0

The fees above provided for shall not be chargeable in respect of any Bill of Sale being an instrument affecting land, and upon which fees are chargeable in accordance with the provisions of the Solomons Land Registration Regulation 1918 and its subsequent amending Regulations.

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[Price 1s.]

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